

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)

WALKER RIVER PAIUTE TRIBE,)
)
Plaintiff-Intervenor,)

v.)

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
Defendants.)

MINERAL COUNTY,)
Proposed Plaintiff-Intervenor,)

v.)

WALKER RIVER IRRIGATION DISTRICT,)
a corporation, et al.,)
Proposed Defendants.)

IN EQUITY NO. C-125-RCJ-WGC
SUBFILE NO. C-125-C

3:73-CV-00128-RCJ-WGC

**[PROPOSED]
ORDER SETTING SUPPLEMENTAL
BRIEFING SCHEDULE FOR LATER
SERVED DEFENDANTS WHO WISH
TO FILE RESPONSES TO MINERAL
COUNTY’S BRIEFS IN SUPPORT OF
ITS MOTION FOR INTERVENTION
AND AMENDED COMPLAINT IN
INTERVENTION**

This Subproceeding has been pending since October 25, 1994, while Mineral County endeavored to complete Rule 4 personal service on the lengthy list of Defendants to be served. Because service was nearly complete, at status conferences held on August 2 and 22, 2012, in an effort to move the case forward, the Court determined that briefing on Mineral County’s Motion for Intervention should proceed while Mineral County completed its final service efforts. Accordingly, on October 9, 2012, the Court entered an Order Setting Briefing Schedule for Mineral County’s Motion for Intervention and Amended Complaint in Intervention which set the following briefing schedule for Mineral County’s Motion for Intervention (“Order Setting Briefing Schedule”) (Doc. No. 626):

1 1. Mineral County's opening brief in support of intervention was to be filed no
2 later than October 31, 2012;

3 2. Responses were to be filed no later than December 14, 2012;

4 3. Mineral County was to file a reply no later than January 14, 2013; and

5 4. Mineral County was to serve a copy of the Order Setting Briefing Schedule by
6 mail on persons who have entered a Notice of Appearance in this matter, but are not
7 represented by counsel.
8

9 Following the entry of the Order Setting Briefing Schedule, at the Status Conference
10 held on December 13, 2012, the Court and parties agreed that an opportunity for supplemental
11 briefing should be provided for Proposed Defendants who were served in the fall of 2012 and
12 who entered an appearance after the entry of the Order Setting Briefing Schedule.
13

14 Mineral County filed its Opening Brief in Support of Intervention on October 31, 2012.
15 Doc. No. 634. The Walker River Irrigation District (WRID) and the Nevada Division of
16 Wildlife filed Responses to Mineral County's Opening Brief on December 14. Doc. Nos. 646
17 & 647. Circle Bar N Ranch, LLC and Mica Farms, LLC joined in WRID's Response to
18 Mineral County's Opening Brief. Doc. No. 649. The United States of America filed a
19 Response taking no position on Mineral County's Opening Brief or Motion for Intervention.
20 Doc. No. 648. Mineral County filed a Reply Brief on January 14, 2013. Doc. No. 656.
21

22 The Court has determined that Mineral County has completed Rule 4 personal service
23 on the final list of Proposed Defendants to be served, and that a supplemental briefing schedule
24 is appropriate at this time.

25 **NOW, THEREFORE, IT IS HEREBY ORDERED** as follows:

26 1. No later than seven (7) days after the date of the Court's determination that Mineral County
27 has completed the remaining required Rule 4 personal service, Mineral County shall serve by
28 mail a copy of this Order and copies of the above-listed briefs and responses that already have

1 been filed on Mineral County's Motion to Intervene on Proposed Defendants who were served
2 after August 2, 2012, and have entered a Notice of Appearance in this matter since the issuance
3 of the Order Setting Briefing Schedule on October 9, 2012, but who are not represented by
4 counsel;

5 2. Proposed Defendants who were served after August 2, 2012, and who entered an appearance
6 after the issuance of the Order Setting Briefing Schedule on October 9, 2012, may file a
7 Supplemental Response to Mineral County's Opening and Reply Briefs in Support of
8 Intervention no later than forty-five (45) days after the date on which they receive a copy of
9 this order from Mineral County or notice of this order through the Court's CM/ECF system;
10 and
11

12 3. Mineral County may file a supplemental reply to any supplemental responses no later than
13 thirty (30) days after the date on which the last such supplemental response is filed.
14

15
16 DATED: _____, 2013.

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19 _____
UNITED STATES DISTRICT JUDGE

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Respectfully submitted this 7th day of February, 2013,

/s/ Simeon M. Herskovits

Simeon M. Herskovits, Nevada Bar No. 11155
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Phone: (575) 758-7202
Fax: (575) 758-7203
Email: simeon@communityandenvironment.net

/s/ Sean A. Rowe

Sean A. Rowe, Nevada Bar No. 10977
Mineral County District Attorney
P.O. Box 1210
Hawthorne, Nevada 89415
Phone: (775) 945-3636
Fax: (775) 945-0740
Email: srowe@mineralcountynv.org

Attorneys for Mineral County

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2013, I electronically filed the foregoing **[PROPOSED] ORDER SETTING SUPPLEMENTAL BRIEFING SCHEDULE FOR LATER SERVED DEFENDANTS WHO WISH TO FILE RESPONSES TO MINERAL COUNTY'S BRIEFS IN SUPPORT OF ITS MOTION FOR INTERVENTION AND AMENDED COMPLAINT IN INTERVENTION** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 7th day of February, 2013, I caused a hard copy of the forgoing to be served on the following non CM/ECF primary Defendant participants by U.S. Mail, postage prepaid:

Athena Brown, Superintendent
Western Nevada Agency
Bureau of Indian Affairs
311 E. Washington Street
Carson City, NV 89701-4065

Arthur B. Walsh
Los Angeles City Attorney's Office
P.O. Box 51-111
111 North Hope Street, Suite 340
Los Angeles, CA 90054

Dist. Attorney for Lyon County
31 South Main Street
Yerington, NV 89447

State Engineer - Division of Water
Resources
State of Nevada
901 S. Stewart St., Suite 202
Carson City, NV 89701

Leo Drozdoff
Dept. of Conservation & Natural Res.
State of Nevada
901 S. Stewart St.
Suite 1003
Carson City, NV 89701

1 I further certify that I served a copy of the foregoing **[PROPOSED] ORDER**
2 **SETTING SUPPLEMENTAL BRIEFING SCHEDULE FOR LATER SERVED**
3 **DEFENDANTS WHO WISH TO FILE RESPONSES TO MINERAL COUNTY'S**
4 **BRIEFS IN SUPPORT OF ITS MOTION FOR INTERVENTION AND AMENDED**
5 **COMPLAINT IN INTERVENTION** on the following non-CM/ECF participants, by U.S
6 Mail, postage prepaid, this 7th day of February, 2013:
7

8 Presto Family Trust Agreement
9 Beatrice Presto, et al., Trustees,
10 1462 Douglas Avenue
11 Gardnerville, NV 89410

Renee Presto
1792 Solitude Lane
Gardnerville, NV 89410

11 Pauline Bradshaw
12 P.O. Box 55
Wellington, NV 89444

Leslie Bradshaw
P.O. Box 55
Wellington, NV 89444

13
14 /s/ Iris Thornton
15 Iris Thornton
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